

**TIVERTON PLANNING BOARD
MINUTES OF MEETING
November 18, 2014**

Chairman Stephen Hughes called the regular meeting of the Tiverton Planning Board to order at 7:02 P.M. at the Town Hall, 343 Highland Road. Members present were: Vice Chairman Stuart Hardy, Patricia Cote, Rosemary Eva, Susan Gill, Carol Guimond, Edward Campbell and David Saurette. Member Peter Corr was absent.

Also in attendance were: the Planning Board's Clerk and Administrative Officer Kate Michaud, engineering consultant Deirdre Paiva of Commonwealth Engineers and Consultants, Director of Public Works Stephen Berlucchi and David Petrarca, Esq., substituting for Planning Board's Solicitor, Peter Ruggiero, Esq.

1. Randy Lebeau – 404 Main Road – Tiverton, RI 02878 – Site Plan Review and Design Review – New Construction – 8,000 Square Foot Steel Prefabricated Building and Associated Parking and Infrastructure – Plat 117 / Lot 224 – W/S Main Road, S/S Haskins Avenue – Neighborhood Business (NB) District Owner / applicant Randy Lebeau was present on behalf of the petition. Mr. Lebeau displayed a scale model of the proposed building as well as the actual [full size] sign. Comments received from Commonwealth were reviewed (dated November 3, 2014 – see file). Ms. Paiva stated that her comments had been adequately addressed. An unsigned letter from North Tiverton Fire District was reviewed. It was noted that a signed letter must be submitted for the file.

Ms. Paiva noted that a RIDOT (RI Department of Transportation) Physical Alteration Permit (PAP) application had been filed. The Chairman requested a copy of the application for the file. Ms. Paiva stated that a waiver of a landscape plan had been requested. The Chairman noted that the plans were illegible in areas. Ms. Eva agreed with the poor quality of the prints. Discussion ensued. The Chairman asked if a revision date had been added to the plans. Ms. Paiva replied in the affirmative. The Chairman stated that Note #10 indicated that there were twelve (12) parking spaces on the plan, but there were only nine (9) spaces depicted. He added that parking had been provided for the net leasable area (NLA) of the structure, and that if additional space in the building was leased in the future additional parking might be required. Mr. Lebeau asked if on-street parking might be possible in the future. Mr. Saurette noted that Main Road was a State road, and the decision would be theirs. On street parking is currently not allowed.

Mr. Saurette asked why a PAP was required. Ms. Paiva replied that it was due to the drainage of the site. Ms. Eva noted that there were currently a lot of people parked on street on Haskins Avenue. Mr. Berlucchi reviewed his comments, including:

- There would be no rubbish pick up for the building.
- The applicant was warned that snow in the parking area or driveway could not be plowed into Haskins Avenue.
- A street opening permit would be required from DPW.

The Chairman addressed the landscape plan, noting that plantings must be removed from the finalized plan. Mr. Lebeau stated that he intended to landscape in accordance with what was depicted on the previous plan version. Ms. Michaud suggested that language could be included in the Planning Board's decision. Mr. Hardy made a motion to waive the requirement for a landscape plan, and to replace it with a written description of plantings. Ms. Gill seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Saurette voted in favor of the motion.

Ms. Eva requested a verification of the zoning districts depicted on the final copy of the plans. Mr. Hardy made a motion to approve the Site Plan and Design Plan, conditional upon:

- Verification of the zoning districts;
- the correction to Note #10;
- receipt of the PAP;
- removal of the plantings from the plan to be replaced with a written description; and

- other corrections to the plan as noted.

Ms. Gill seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Saurette voted in favor of the motion.

2. Stephen Berlucchi – Director of Public Works – William Barton Estates Major Subdivision – A. Recommendation to Call Surety – B. Request for Recommendation to Town Council Regarding Snow Plowing for 2014-2015 Season – C. Request for Recommendation to Town Council Regarding Further Actions for Cost Recovery in Excess of Surety Mr. Berlucchi and William Barton Estates Developer Thomas Costa of Puritan Management were present on behalf of the petition. Mr. Berlucchi presented his estimate for the cost to complete the project, as well as two Commonwealth reports prepared previously detailing the work remaining (see file). Mr. Berlucchi stated that it had become obvious through conversation with Mr. Costa that he was not going to complete the work. He stated that he had been contacted on November 14 by Stone Bridge Fire District regarding a sink hole in the roadway and had completed an emergency repair.

The Chairman reviewed the minutes from the last reduction in surety, which occurred in November, 2009. He also reviewed a November 13, 2009 letter from Mr. Berlucchi estimating the remaining work at \$130,450. He inquired about the differences between the two estimates. Mr. Berlucchi noted that the base course of asphalt had deteriorated and repairs and a leveling course of asphalt would be required prior to top coating. Mr. Berlucchi asked why his 2009 estimate had not been doubled. The Chairman replied that while estimates are now doubled, they were not at that time.

Mr. Costa stated that he had met with Mr. Berlucchi in the fall of 2013. He stated that Mr. Berlucchi had stated that a leveling course of asphalt would be required for the entire project. Mr. Costa stated that the project was in two phases, and that the second phase was paved in 2008. He opined that the newer pavement did not require a leveling course. Mr. Costa stated that the purpose of the meeting had been to move forward and that a drainage inspection had been completed with Ms. Paiva. Mr. Costa stated that he had spoken with two paving contractors who had both indicated that a leveling course was not needed. He added that the roads are flat and straight. Mr. Costa stated that he had evaluated the work and determined that he could not complete it. He stated that the project had put him out of business.

Mr. Costa stated that he disagreed with Mr. Berlucchi's estimate, and that he had his own bid numbers. He gave an example of the raising of the manholes, noting that there were 38 manholes estimated by Mr. Berlucchi at \$250 per manhole. He stated that the bid he receiving estimated the cost at \$38 per manhole. Mr. Berlucchi noted that the \$250 included concreting in the structure as required. Mr. Hardy asked Ms. Paiva about the need for a leveling course. Ms. Paiva stated that it was definitely needed for Phase 1, and that it might not be needed for Phase 2 at this time.

Ms. Eva asked for legal guidance. Mr. Petrarca stated that the Planning Board could make a recommendation to the Town Council to pursue legal action to recover the cost of the remaining work. Mr. Hardy noted that this situation reaffirmed the wisdom of the policy of doubling surety estimates.

Mr. Costa stated that the streetlight electrical costs were prepaid to National Grid in the amount of approximately \$33,000 and that National Grid had not completed the installation of the streetlights. He stated that he would contact National Grid to complete the work that had already been paid for.

The Chairman recommended continuing this item for two weeks to obtain more information. He asked Mr. Costa to submit the estimates that he had received. Mr. Hughes made a motion to continue A.) and C.) of this item to December 2, 2014. Mr. Hardy seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Saurette voted in favor of the motion.

Snow plowing was discussed. Mr. Berlucchi stated that the Land Development and Subdivision Regulations prevented him from plowing within the subdivision prior to acceptance. Mr. Hardy made a motion to

recommend that DPW is allowed to plow the subdivision. Mr. Hughes seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Saurette voted in favor of the motion. Mr. Berlucchi noted that Bud Way had been accepted by the Town Council.

8. Town Planner & Administrative Officer

A. Administrative Officer's Report

1. Special Meeting Scheduled – November 20, 2014 @ High School The meeting date *for the review of the Carpienato / Tiverton Crossings application* was announced.

B. Miscellaneous Ms. Michaud noted that she had not been asked to interview for the planner position. Ms. Michaud was appointed as Town Planner on July 28, 2014, which was vacated on August 12 and re-advertised. Ms. Michaud had been interim Town Planner since May of 2012. Ms. Michaud stated that she had ended the interim agreement on October 27, 2014. She stated that she had not been told directly that she would not be re-interviewed, but had heard that interviews had taken place. Discussion ensued, with Mr. Petrarca noting that since this item was not on the agenda no group action could take place. Ms. Eva noted that the Board had never *discussed or* voted on having a staff planner.

9. Tiverton Planning Board

A. Solicitor's Report There was no report.

B. Budget: 2015-2016 The Chairman stated that the budget had not yet been requested by the Town Administrator, but that he would prepare a draft for review at the December 2, 2014 meeting. He stated that he would check with the Town Administrator regarding the time line.

C. Request from Town Clerk: Recommendation to Town Council Regarding License for Countryview Estates Manufactured Home Elderly Community Ms. Michaud stated that she had not received any complaints regarding Countryview Estates and that she was not aware of any issues. Mr. Hardy made a motion to make a positive recommendation to the Town Council for license renewal, contingent upon verification that the taxes are all paid up to date. Ms. Guimond seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Saurette voted in favor of the motion.

D. Miscellaneous

1. Approval of Meeting Calendar – 2015 Ms. Eva made a motion to approve the draft calendar. Mr. Hardy seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Saurette voted in favor of the motion.

2. It was noted that a letter from Wimbourne & Summertree had been received regarding the timeline for submission of the independent fiscal impact analysis underway for the Tiverton Crossing project.

E. Approval of Minutes:

July 15, 2014, August 5, 2014, August 19, 2014 Ms. Michaud was asked to verify whether or not these minutes had already been approved. The Board members did not have copies with them to review.

September 2, 2014 Mr. Hughes made a motion to approve the minutes. Mr. Hardy seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Saurette voted in favor of the motion.

September 23, 2014 Mr. Hughes made a motion to approve the minutes. Mr. Hardy seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Saurette voted in favor of the motion.

F. Adjournment: Mr. Saurette made a motion to adjourn. The motion was seconded by Ms. Cote. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Campbell and Mr. Saurette voted in favor of the motion. The meeting adjourned at 9:52 P.M.

(Italicized words represent corrections made on the approved date.)

Submitted by: 
Kate Michaud, Clerk

Approval Date: June 2, 2015